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Attorneys for Defendants
KIM MOSES and HERITAGE AUCTION, INC.
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH C. MONTANA, JR.,
Plaintiff,

vs.

KIM MOSES, HERITAGE
AUCTION, INC., and DOES 1
through 25 inclusive,
Defendants.

CASE NO. C08 02324 BZ

**STIPULATION EXTENDING TIME
OF DEFENDANT HERITAGE
AUCTION, INC. TO FILE A
RESPONSIVE PLEADING;
[PROPOSED] ORDER THEREON**

[Proposed Order Filed Concurrently Herewith]

This stipulation is entered into between plaintiff Joe C. Montana, Jr. ("Plaintiff"), on the one part, and defendant Heritage Auction, Inc. ("Defendant"), on the other, by and through their undersigned counsel, with reference to the following:

A. On or about May 5, 2008, Plaintiff filed its Complaint against Defendant and others. The Complaint was served on Defendant on or about May 29, 2008. Plaintiff and Defendant are referred to below as the "Parties."

1 B. Defendant's response to the Complaint was due on or before
2 May 29, 2008.

3 C. Counsel for Defendant has recently been retained to represent
4 Defendant as lead counsel in this action. Moreover, the Parties are working
5 towards a mutually agreeable resolution of this matter and wish to continue to do
6 so.

7 D. In light of the Parties' settlement discussions and the recent
8 retention of Defendant's counsel as lead counsel in this action, Defendant
9 requested, and Plaintiff has agreed, to extend by thirty-two (32) days the time for
10 Defendant to respond to the Complaint.

11 Based on the foregoing, it is hereby stipulated and agreed by and
12 between Plaintiff and Defendant, subject to Court approval, that Defendant shall
13 have up to and including June 30, 2008, in which to respond to the Complaint.

14 IT IS SO STIPULATED.

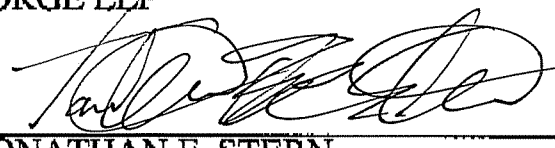
15 Dated: ~~May~~ ^{June} 3, 2008

MEZZETTI LAW FIRM, INC.

17
18 By 
19 ROBERT L. MEZZETTI, II
Attorneys for Plaintiff
JOSEPH C. MONTANA, JR.

20 Dated: ~~May~~ ^{June} 3, 2008

DREIER STEIN KAHAN BROWNE WOODS
GEORGE LLP

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23 By 
24 JONATHAN E. STERN
Attorneys for Defendants
25 KIM MOSES and HERITAGE AUCTION,
26 INC.
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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Dreier Stein Kahan Browne Woods George LLP, The Water Garden, 1620 26th Street, 6th Floor, North Tower, Santa Monica, California 90404. On June 3, 2008, I served a true copy of the within documents:

**STIPULATION EXTENDING TIME OF DEFENDANT
HERITAGE AUCTION, INC. TO FILE A
RESPONSIVE PLEADING; [PROPOSED] ORDER
THEREON**

- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Santa Monica, California, addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed envelope, with the overnight delivery charge prepaid, addressed as set forth below, and deposited in a box or facility regularly maintained by the overnight delivery service carrier, _____.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

Robert L. Mezzetti, II, Esq.
Mezzetti Law Firm, Inc.
31 East Jullan Street
San Jose, California 95112
Tel. No.: (408) 279-8400
Fax No.: (408) 279-8448
Email: rob@mezzetilaw.com

Attorneys for Plaintiff
JOSEPH C. MONTANA, JR.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 3, 2008 at Santa Monica, California.



Maria G. Garcia

DREIER STEIN KAHAN
BROWNE WOODS GEORGE LLP

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH C. MONTANA, JR.,

Plaintiff,

vs.

KIM MOSES, HERITAGE
AUCTION, INC., and DOES 1
through 25 inclusive,

Defendants.

CASE NO. C08 02324 BZ

**[PROPOSED] ORDER RE
STIPULATION EXTENDING TIME
OF DEFENDANT HERITAGE
AUCTION, INC**

[Proposed Order Filed Concurrently Herewith]

The Court, having considered the parties' Stipulation Extending Time of Defendant Heritage Auction, Inc. To File A Responsive Pleading, the complete files and records of this action, and good cause appearing therefor:

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1 IT IS HEREBY ORDERED that:

2 1. Heritage Auction, Inc. ("Heritage Auction") shall have up to and
3 including June 30, 2008, in which to respond to the Complaint.
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5 DATED: _____
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7 The Hon. Bernard Zimmerman
8 United States District Court Judge
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